

THE CITY COUNCIL/RDA BOARD OF THE CITY OF CALEXICO MET IN REGULAR SESSION ON THE 18TH DAY OF NOVEMBER, 2008 AT 6:30 P.M. AT THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVE., CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION – 5:30 P.M.

CALL TO ORDER.

The Closed Session portion of the meeting was called to order at 5:30 p.m. by Mayor Fuentes.

ATTENDANCE.

Mayor:	Louis Fuentes
Mayor Pro Tem:	David B. Ouzan
Councilman:	John M. Moreno
Councilman:	David B. Ouzan
Councilman:	Luis J. Castro

The City Council convened into Closed Session to discuss the following:

1. Conference with Labor Negotiators-Agency representatives; Ralph Velez, Judith Hashem, Jennifer Lyon-Employee Organizations; SEIU/CMEA; Water/Wastewater Operators Assoc.; Supervisors Assoc.; Police Officers Assoc.; Fire Fighters Assoc.
2. Conference with Legal Counsel-Anticipated Litigation-Initiation to litigation pursuant to Government Code Section 54956.9 © (1 case).
3. Conference with Legal Counsel-Anticipated Litigation-Significant exposure to litigation pursuant to Government Code Sections 54956.9(b)(3)(a); 54956.9 (b)(2).

The City Council reconvened from Closed Session at 6:38 p.m. and took no reportable action direction was give on all of the above. Item No. 2 was continued to December 2nd, 2008.

REGULAR MEETING – 6:30 P.M.

CALL TO ORDER.

The regular meeting portion of the agenda was called to order by Mayor Fuentes at 6:38 p.m. and those present were led in the Pledge of Allegiance.

ATTENDANCE. All Council members were present (Castro, Romero, Fuentes, Ouzan, Moreno).

APPROVAL OF AGENDA.

A motion was made by Mayor Pro Tem Ouzan, seconded by Councilman Moreno and passed unanimously to approve the agenda as presented.

ORAL PRESENTATIONS.

Oral presentations were given by the following Department Heads, Armando Villa, Development Services, Francisco Gutierrez, Economic Development and Jim Neujahr, Chief of Police.

ANNOUNCEMENTS/PUBLIC COMMENTS.

Ms. Patricia Wark, gave a brief update on the progress of the goal setting workshop. She stated they will give an update in December.

GENERAL COMMENTS BY CITY COUNCIL MEMBERS.

Councilman Romero asked that the name of the Councilmember requesting an agenda item be placed after that item and also the date when the item was requested. He also stated agendas are still being delivered the Friday before the Council meeting, he stated the Council requested that the agenda be delivered one week prior to the meeting date.

Mayor Pro Tem Ouzan asked that Item No. 17 (Information on request from residents for speed control device) be placed as an action item on tonight's agenda. Police Chief stated that Mr. Nick Fenley was assigned this project but the street has yet to be completed. It is felt that Sam Ellis Street has potential to become a race track therefore they are planning to place two stop signs on this street. Mayor Pro Tem Ouzan also asked regarding the downtown fair. Chief of Police stated they have everything in place. The fair will be next Tuesday, November 25, 2008 and they also have food vendors. Mayor Pro Tem Ouzan asked that background investigations be done on potential investors coming into the City and they should also do financial background checks. He asked for an update on the streets. City Manager stated all street repairs have been completed.

Councilman Moreno thanked the Department Heads for their presentations. He thanked both Chiefs for helping out during homecoming. He asked the ordinance regarding day vendors be revisited. Some businesses are hurting because of day vendors.

Mayor Fuentes stated he attended a parade in Mexicali for "Dia de la Revolucion" and had the opportunity to speak to the Mayor of Mexicali and discuss the visa issue. He was advised that Mexicali has no interest in opening a consulate to renew these visas. Mayor Fuentes stated he will continue to fight to open some type of satellite office in Mexicali. He also met with a factory that wants to set up operations in Calexico. Mayor Fuentes further stated he really appreciates Mrs. Erica Lacuesta, Deputy City Clerk for taking on the responsibility of advising the Council of events and following up on their attendance. He congratulated Mrs. Lacuesta for doing a great job.

CONSENT AGENDA.

A motion was made by Mayor Pro Tem Ouzan, seconded by Councilman Moreno and passed unanimously to approve the Consent Agenda consisting of the following: Approved warrants for October 2008; Approved the Financial Report for September 2008; Approved out of town travel for two General Services staff members to attend Turf Show in Yuma, AZ on December 4, 2008; Approved out of town travel for Police Lieutenant to attend Commission for Law Enforcement Accreditation Conference in Tulsa, OK from December 2-December 7, 2008; Approved filing of Notice of Completion for the Raw Water Reservoir project; Authorized City Manager to execute the amendment to the contractual agreement with Garda CL West Inc. (FKA AT Systems West, Inc.); Adopted resolution approving the statement of investing policy for fiscal year 2008-09 and accepted the investment report for September 30, 2007 through September 30, 2008.

PURCHASE OF THE RESTROOM FACILITIES ON THE 300 BLOCK OF FIRST STREET.

Mayor Pro Tem Ouzan stated money had been set aside for the construction of these restrooms but now they want to install a modular, how long will this modular last? He stated that if the modular is going to be changed often he will not support this. He asked for the City Manager's opinion. City Manager stated this is a quick fix and the better offer to take.

A motion as made by Mayor Pro Tem Ouzan, seconded by Councilman Moreno and passed unanimously to approve the purchase of the restroom facilities on the 300 block of First Street.

TELEVISIONING OF CITY COUNCIL/RDA MEETINGS.

Mr. Francisco Cardenas, 1312 D. Navarro asked the Council how they will pay for this. He stated that the money proposed to be spent on televising meetings can be spent on other things.

A motion was made by Mayor Fuentes seconded by Councilman Moreno to authorize City Manager to execute the Agreement with Conveyor Group for video recording and production services of Calexico City Council meetings. And approve the attached budget amendment resolution. Voting was as follows:

AYES:	Fuentes
NOES:	Ouzan, Moreno, Castro, Romero

Motion dies.

Councilman Moreno stated he likes the concept but due to the budget situation perhaps they should place this item on hold for six months, they need to be more conservative.

Mayor Pro Tem Ouzan stated this is not a good time to spend money on something like this.

Mayor Fuentes stated he requested this because it was part of their goal setting workshop. He stated that what the Council does in the meetings affects everyone. He stated it is important for citizens to see who they voted for and how they act. The residents need to know if the Council is meeting their demands. The money to pay for this will come from RDA. RDA is a city agency but it is separate from the General Fund. The meetings would be televised on a government channel.

Mayor Pro Tem Ouzan stated they need to sit down and see about the funding. The meetings would be broadcast in English and 90% of the population is Spanish speaking. He feels that right now is not the right time.

Mayor Fuentes stated the Finance Director has been very consistent in answering reports. They need to be more transparent with the citizens and because some citizens do not attend meetings, they need to reach out to them.

Councilman Moreno stated that perhaps the radio can give a report on how they act on certain items. They should exhaust other avenues.

RESOLUTION SETTING THE BUS FRANCHISE TAX PURSUANT TO CALEXICO MUNICIPAL CODE SECTION 5.36.170.

Councilman Castro disqualified himself from taking action on this matter as he has a conflict.

A motion was made by Mayor Fuentes , seconded by Councilman Moreno to approve a resolution setting the bus franchise tax pursuant to Calexico Municipal Code Section 5.36.170. Voting was as follows:

AYES: Romero, Fuentes, Ouzan, Moreno
NOES: Moreno
DISQUALIFIED: Castro

CONSIDERATION OF AN ORDINANCE ADDING A NEW CHAPTER 2.07 "CITY COUNCIL ELIGIBILITY FOR FUTURE CITY EMPLOYMENT" AND AMENDING CHAPTER 2.02 BY DELETING SECTION 2.02.030 IN ITS ENTIRETY.

A motion was made by Mayor Fuentes, seconded by Councilman Romero to adopt the first reading, by title only, waive the full reading of ordinance adding a new chapter 2.07 "City Council eligibility for future city employment" and amending chapter 2.02 by deleting section 2.02.030 in its entirety. Voting was as follows:

AYES: Romero, Fuentes
NOES: Castro, Ouzan, Moreno
ABSENT: None

Councilman Moreno suggested reducing the five years to four years.

A motion was made by Mayor Fuentes, seconded by Councilman Romero to amend the above ordinance by reducing the five years to four years. Voting was as follows:

AYES: Castro, Romero, Fuentes, Moreno
NOES: Ouzan
ABSENT: None

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER AMENDING CHAPTER 2.02 "CITY MANAGER" OF THE CALEXICO MUNICIPAL CODE.

A motion was made by Mayor Pro Tem Ouzan, seconded by Councilman Moreno to adopt the first reading, by title only, waive full reading of ordinance amending chapter amending Chapter 2.02 "City Manager" of the Calexico Municipal Code. Voting was as follows:

AYES: Castro, Ouzan, Moreno
NOES: Romero, Fuentes
ABSENT: None

Mayor Pro Tem Ouzan stated he would like to see the ordinance changed from requiring four votes to three votes for a decision to dismiss the City Manager. This decision is not to dismiss the City Manager at this time.

Mayor Fuentes stated no one can work in such an environment because they will not get much done. It will be very difficult to get someone to come and work in a city that is so volatile. If they have concerns they will have the appropriate measure. He stated this is setting a dangerous precedent and he would not blame any City Manager for not wanting to work in a hostile environment.

Councilman Moreno stated the city has a history of having a revolving door when it comes to City Managers.

ADOPT FIRST READING, BY TITLE ONLY, WAIVE FULL READING OF ORDINANCE AMENDING CHAPTER 5.20 "LICENSE RATES" TO SET THE BUSINESS LICENSE TAX RATE FOR TAXICAB COMPANIES.

Finance Director stated they are proposing to increase the fee to \$25.00 in addition to the \$25.00 they charge for taxi cabs to operate in the city. They are increasing the rate to \$25.00 per taxi cab per company. The current fee is \$25.00 per quarter only and it would be \$25.00 for the company plus \$25.00 for the taxi cab. This is comparable to the other cities.

A motion was made by Mayor Fuentes, seconded by Councilman Moreno and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance amending Chapter 5.20 "License Rates" to set the business license tax rate for taxicab companies.

ADOPT FIRST READING, BY TITLE ONLY, WAIVE FULL READING OF ORDINANCE AMENDING CHAPTER 5.20.020 "UNSPECIFIED BUSINESSES" TO SET THE BUSINESS LICENSE TAX RATE FOR UNSPECIFIED BUSINESSES INCLUDING HOME OCCUPATIONS.

A motion was made by Councilman Moreno, seconded by Mayor Fuentes and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance amending Chapter 5.20.020 "Unspecified Businesses" to set the Business License tax rate for unspecified businesses including home occupations.

REQUEST FOR FUNDING FROM METHADONE CLINIC.

Mrs. Norma Apodaca, Director of the Methadone Clinic requested a loan from the Redevelopment Agency, at no interest because the Methadone Clinic has not received funds from the State for the past five months. The Methadone Clinic has provided services for the past 30 years. They have received confirmation that funds from the State will be received in January. They have been operating the program from a line of credit they received from Bank of America. They are asking for a loan and will return the money as soon as they receive it from the State.

Mayor Pro Tem Ouzan asked if they can borrow the money from the hospital and pay it back. He asked if they can wait until the next meeting and the Council can have a decision by then. Mrs. Apodaca stated this is an emergency and they need the money right away.

City Attorney stated this item was placed on the City Council portion of the agenda because the RDA cannot loan money to the Methadone Clinic, this is not an appropriate matter. The city is not in the business of making loans. Perhaps the hospital or the JPA entity can provide the loan.

Chief of Police stated this is an extremely important program and it is the only Methadone Clinic in the valley. Is there a mechanism to be able to provide them with a loan? City Attorney stated there is no money in the General Fund. Chief of Police stated that perhaps they can provide them a loan through the Asset Forfeiture funds.

Councilman Romero asked if the Heffernan Memorial Hospital Board can assist them. Ms. Sylvia Bernal stated they are having a special meeting tomorrow to meet with the methadone staff. Their attorney will advise if they can give the Methadone Clinic a loan.

A motion as made by Councilman Moreno, seconded by Mayor Pro Tem Ouzan, and passed unanimously to approve the loan to the Methadone Clinic on the condition that the City Attorney advised them if the funds can come from the Asset Forfeiture funds.

Mayor Pro Tem Ouzan stated that perhaps the hospital can lend them \$40,000 and the city will lend them the other \$40,000.

ADOPTED HOUSING ELEMENT UPDATE.

Mr. John McClendon, representing Raul & Alicia Estrada stated he sent a letter to the city regarding the Housing Element not being in compliance with State law. He stated that if the city is not in compliance they can suspend the authorization to issue building permits.

Mr. Armando Villa, Development Services, stated they are addressing the issue. He stated that every California city is having a hard time meeting developments. Councilman Romero asked if there is anything that the City Attorney should be looking into.

Mr. Gilbert Grijalva stated it bothers him that there is a situation of fraud that has been occurring. The citizens should not suffer because of staff's poor judgment. He asked why the city is not in compliance.

Mayor Fuentes stated he understands the concerns, this council is for growth and any projects coming in are bonded.

COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

Councilman Romero requested a resolution on the purchase of the ambulance for the fire department. He also asked how the city is supporting future development north of the All American Canal. He also requested a status report on what is being done regarding the long lines when crossing the border and if everyone has passport cards, these have a chip that makes it easier for the inspectors when they are checking information, therefore the waiting time to cross is minimal.

Mayor Fuentes requests a report on construction permits and restrictions on owner/builder permits. Would the Council be interested in bringing back the request to televise meetings if funding is available. Mayor Pro Tem Ouzan suggested waiting a few months before they bring back the item on televising the meetings. Councilman Romero stated that if they can be creative he agrees to bring the item back. Councilman Moreno agreed with Councilman Romero

ADJOURNMENT.

There being no further business the City Council portion of the meeting adjourned at 9:10 p.m.

REDEVELOPMENT AGENCY MEETING.

The meeting was called to order at 9:08 p.m. by Chairman Fuentes.

APPROVAL OF AGENDA.

A motion was made by Member Moreno, seconded by Vice Chairman Ouzan, and passed unanimously to approve the agenda as presented.

CONSENT AGENDA.

A motion was made by Member Moreno, seconded by Vice Chairman Ouzan and passed unanimously to approve the Consent Agenda consisting of the following: RDA Financial Report for September 2008.

NEW BUSINESS.**FUNDING REQUEST BY CALEXICO NEIGHBORHOOD HOUSE FOR CASA VILLANUEVA.**

Mr. Ricardo Ortega, Executive Director of the Neighborhood House stated they have provided these services since 1991.

Chairman Fuentes stated they have approved funding for the men's shelter if the men will do something in return. Have they thought about something similar that the women can do? Mr. Ortega stated they already do a lot of community service.

A motion was made by Vice Chairman Ouzan, seconded by Member Moreno and passed unanimously to adopt a resolution finding the subsidy assistance to Homeless Shelter services will benefit the Redevelopment Project area; Approve \$60,000 from housing-set-a-side funds to fund Casa Villanueva Shelter for women and children.

POSITION ALLOCATION-ECONOMIC DEVELOPMENT SPECIALIST.

Chairman Fuentes stated he requested this item be placed on the agenda. Ms. Rosalind Guerrero stated the position is an allocated funded position in the Redevelopment Agency department since 1998. At the last Council meeting it was recommended that the position be removed from the budget completely. They are requesting that the Agency fund the position again. This position will need to be

advertised and filled. This is a full time permanent position with benefits the salary is 100% from the Redevelopment Agency.

Member Romero recommended having someone under the umbrella of Economic Development. They need a specialist who will have experience in being able to market the city. They also need a promoter who will support the efforts of the specialist.

Chairman Fuentes stated this position is needed to bring companies to the city. He asked this item be brought back but did not know it needs to be advertised. Vice Chairman stated there is a hiring freeze. Chairman stated only in General Fund.

Vice Chairman stated the present staff can handle this position because it has been done in the past. He asked that the present Economic Development specialist not spend too much time in Mexicali because he is needed in Calexico. Perhaps the city can hire someone that is a specialist and maybe have a second person that will support the efforts of the specialist. He welcomes a specialist because there is a lot of research that needs to be done. They need to have someone lobbying all day for the city.

Chairman stated this position is funded by the RDA and it is not the same. The only way to generate new money is to have business growth and sales tax generators. They need someone that will market the city.

Member Moreno stated that in this time of the economy they need to be creative. The position is there and it is not funded by the General Fund.

Vice Chairman Ouzan stated he has seen a lack of businesses in Calexico. Perhaps they should have someone with a higher salary as a director. They need to see results. He supports revisiting the scope of work. This position needs to be advertised and they need to go through the process. He wants the process to be very transparent and the most qualified person will get the job.

Member Romero stated that the RDA does not have enough staff he will not only push for one person but two. Calexico and Mexicali have been across each other for 100 years. Mexicali has an excellent team to promote its city and they have grown tremendously.

Mr. Alejandro Martin del Campo, EDC commissioner stated Calexico will never be the same size as Mexicali. The city needs a person that has ties with Mexicali and does not get lost in the translation.

Ms. Linda Barrientso stated the present Economic Development Specialist can be a great promoter under a great specialist. They should focus 100% in economic development.

Ms. Roxanne Eady, Eady Ranches stated she would like to see someone that has the skills as the Economic Development Specialist. She also supports having the second position.

Member Romero stated he supports the two positions and Ms. Guerrero needs to put together what is really expected of the specialist and a promoter and that the language be clear. He stated they need to understand there is a position that cannot be left empty until they decide who the person will be. He

recommended that Mr. Francisco Gutierrez, the present Economic Development Specialist be allowed to continue working until the positions are filled.

A motion was made by Chairman Fuentes, seconded by Member Moreno and passed unanimously to place the position back in the budget along with the position of a coordinator.

U.S. DEPARTMENT OF COMMERCE-ECONOMIC DEVELOPMENT ADMINISTRATION GRANT.

This item was tabled to the December 2nd, 2008 meeting in order to obtain additional information from EDA.

ADJOURNMENT.

There being no further business the RDA meeting adjourned at 9:50 p.m.

Louis Fuentes, Mayor/RDA Chairman

Attest:

Lourdes Cordova, City Clerk